

1 Neel Chatterjee (SBN 173985)

nchatterjee@goodwinlaw.com

2 James Lin (SBN 310440)

jlin@goodwinlaw.com

3 **GOODWIN PROCTER LLP**

135 Commonwealth Drive

4 Menlo Park, California 94025

Tel.: +1 650 752 3100

5 Fax.: +1 650 853 1038

6 Brett Schuman (SBN 189247)

bschuman@goodwinlaw.com

7 Shane Brun (SBN 179079)

sbrun@goodwinlaw.com

8 Rachel M. Walsh (SBN 250568)

rwalsh@goodwinlaw.com

9 Hayes P. Hyde (SBN 308031)

hhyde@goodwinlaw.com

10 **GOODWIN PROCTER LLP**

Three Embarcadero Center

11 San Francisco, California 94111

Tel.: +1 415 733 6000

12 Fax.: +1 415 677 9041

13 Hong-An Vu (SBN 266268)

hvu@goodwinlaw.com

14 **GOODWIN PROCTER LLP**

601 S. Figueroa Street, 41st Floor

Los Angeles, California 90017

15 Tel.: +1 213 426 2500

Fax.: +1 213 623 1673

16 *Attorneys for Defendant: Otto Trucking LLC*

17 **UNITED STATES DISTRICT COURT**

18 **NORTHERN DISTRICT OF CALIFORNIA – SAN FRANCISCO DIVISION**

19 Waymo LLC,

20 Plaintiff,

21 v.

22 Uber Technologies, Inc.; Ottomotto LLC; Otto
23 Trucking LLC,

24 Defendants.

Case No. 3:17-cv-00939-WHA

**DECLARATION OF NEEL CHATTERJEE
IN SUPPORT OF DEFENDANT OTTO
TRUCKING LLC'S ADMINISTRATIVE
MOTION TO FILE UNDER SEAL
PORTIONS OF ITS MOTION FOR A
SEPARATE TRIAL**

Courtroom: 8, 19th Floor

Judge: Hon. William Alsup

Filed/Lodged Concurrently with:

1. Admin. Mot. to File Documents Under Seal
2. [Proposed] Order
3. Redacted/Unredacted Versions
4. Proof of Service

25

26

27

28

1 I, Neel Chatterjee, declare as follows:

2 1. I am a partner at the law firm of Goodwin Procter LLP, counsel of record for
 3 Defendant Otto Trucking LLC (“Otto Trucking”). I make this declaration based upon matters
 4 within my own personal knowledge and if called as a witness, I could and would competently
 5 testify to the matters set forth herein. I make this declaration in support of Defendant Otto
 6 Trucking’s Administrative Motion to File Under Seal Portions of Otto Trucking’s Motion for a
 7 Separate Trial (the “Administrative Motion”).

8 2. I have reviewed the following documents and confirmed that only the portions
 9 identified below merit provisional sealing:

10 Document	11 Portions to Be Filed Under 12 Seal	13 Parties Claiming 14 Confidentiality
15 Otto Trucking’s Motion for a Separate 16 Trial	17 Highlighted Portions	18 Waymo LLC
19 Exhibit 1 to Chatterjee Declaration – 20 Excerpts of Deposition Transcript of 21 Michael J. Wagner, dated September 22, 2017	23 Entire Document	24 Waymo LLC
25 Exhibit 3 to Chatterjee Declaration – 26 Excerpts of Plaintiff Waymo LLC’s 27 Supplemental Objections and 28 Responses to Otto Trucking, LLC’s [sic] Interrogatory Nos. 1-9, dated August 24, 2017	29 Entire Document	30 Waymo LLC

31 3. The highlighted portions of Otto Trucking’s Motion for a Separate Trial and the
 32 entirety of Exhibits 1 and 3 to the Chatterjee Declaration contain information that Plaintiff Waymo
 33 LLC (“Waymo”) has designated “Confidential” or “Highly Confidential – Attorneys’ Eyes Only”
 34 pursuant to the Protective Order in this case. Otto Trucking states no position about whether the
 35 confidentiality designations are appropriate.

36 4. Otto Trucking anticipates that Waymo will file any necessary declarations to seal
 37 the above information pursuant to Local Rule 79-5.

38 5. Otto Trucking’s request to seal is narrowly tailored to those portions of Otto
 39 Trucking’s Motion for a Separate Trial and its supporting documents that merit sealing.

1 I declare under penalty of perjury under the laws of the United States that the foregoing is
2 true and correct. Executed this 26th day of September, 2017 in Menlo Park, California.

3 /s/ *Neel Chatterjee*
4 NEEL CHATTERJEE

5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the foregoing document including all of its attachments with the Clerk of the Court for the United States District Court for the Northern District of California by using the CM/ECF system on **September 26, 2017**. I further certify that all participants in the case are registered CM/ECF users and that service of the publicly filed documents will be accomplished by the CM/ECF system.

I certify under penalty of perjury that the foregoing is true and correct. Executed on
September 26, 2017.

/s/ Neel Chatterjee
NEEL CHATTERJEE